

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAWUAN MODOCK,

Plaintiff,

Case Number: 07-CV-15044

v.

HON. LAWRENCE P. ZATKOFF

DICKERSON CORRECTIONAL FACILITY,

Defendant.

ORDER OF SUMMARY DISMISSAL

Plaintiff LaWuan Modock, who is currently on probation from a controlled substances conviction, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is proceeding without prepayment of the filing fee in this action under 28 U.S.C. § 1915(a)(1). After careful consideration, pursuant to 28 U.S.C. § 1915(e)(2),¹ the Court dismisses the complaint because Plaintiff fails to state a claim upon which relief may be granted.

Plaintiff alleges that, while incarcerated at the Dickerson Correctional Facility, he was exposed to black mold. He alleges that the black mold and a poor ventilation system caused him health problems including difficulty breathing and headaches. He names a single defendant, Dickerson Correctional Facility, and seeks monetary relief.

¹ 28 U.S.C. § 1915(e)(2) provides, in pertinent part:

Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that –

...

(B) the action or appeal –

...

(ii) fails to state a claim upon which relief may be granted . . .

The Dickerson Correctional Facility is a jail maintained by the Sheriff's Department of Wayne County. See www.waynecounty.com/sheriff/jails.html. "A county jail is not a proper entity to sue under § 1983." *Jacobs v. Pulaski County Jail*, No. 4:07CV00615, 2007 WL 2609586, * 2 (E.D. Ark. Sept. 05, 2007); see also *Thomas v. McCracken County*, No. 5:06CV-P34-R, 2006 WL 3420299, * 2 (W.D. Ky. Nov. 28, 2006) (holding that a county jail is not a "person" who may be sued under § 1983); *Harvey v. Ridge*, 2007 WL 674710, *6 n.7 (D. N.J. Feb. 28, 2007) (same).

The Court concludes that the Dickerson Correctional Facility is not a person who may be sued under § 1983. Accordingly, **IT IS ORDERED** that Plaintiff's complaint is **DISMISSED**.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: December 12, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 12, 2007.

s/Marie E. Verlinde
Case Manager
(810) 984-3290